

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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RAYMOND AYERS,	)	
	)	
Plaintiff,	)	
	)	No. 2:21-cv-02383-JTF-atc
	)	
v.	)	
	)	
CITY OF MEMPHIS, ET AL.,	)	
	)	
Defendants.	)	
	)	

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**ORDER DISMISSING CASE,  
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH,  
NOTIFYING PLAINTIFF OF APPELLATE FILING FEE,  
AND RECOMMENDING THIS DISMISSAL BE TREATED AS A STRIKE UNDER  
28 U.S.C. § 1915(G)**

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Plaintiff Raymond Ayers sued *pro se* under 42 U.S.C. § 1983. (ECF No. 1.) On December 16, 2021, the Court dismissed Plaintiff's claims without prejudice and gave him fourteen days to amend his complaint. (ECF No. 8 (the "Screening Order").) Plaintiff's deadline expired on December 30, 2021.

On January 3, 2022, Plaintiff filed a motion for an extension of time to respond to the Screening Order. (ECF No. 9.) On January 7, 2022, the Court granted Plaintiff's motion for an extension of time. (ECF No. 10.) The Court set January 17, 2022 as Plaintiff's deadline to amend. (*Id.*)

Plaintiff has failed to timely file an amended complaint or to seek further extension of time to do so.

For this reason, the Court **DISMISSES** this case with prejudice in its entirety for the reasons discussed in the Screening Order. Judgment will be entered in accordance with that prior Order. The Court recommends that the dismissal of this case be treated as a strike pursuant to 28 U.S.C. § 1915(g). *See Simons v. Washington*, No. 20-1406, 2021 WL 1727619, at \*1 (6th Cir. May 3, 2021).

Pursuant to Federal Rule of Appellate Procedure 24(a) and 28 U.S.C. § 1915(a)(3), it is **CERTIFIED** that any appeal in this matter by Plaintiff would not be taken in good faith. If Plaintiff nevertheless chooses to file a notice of appeal, he must either pay the entire \$505 appellate filing fee or submit a new *in forma pauperis* affidavit and a current, certified copy of his inmate trust account statement for the last six months, in compliance with 28 U.S.C. §§ 1915(a)-(b).

The Clerk is **DIRECTED** to prepare a judgment.

**IT IS SO ORDERED**, this 20<sup>th</sup> day of January, 2022.

*s/John T. Fowlkes, Jr.*  
JOHN T. FOWLKES, JR.  
UNITED STATES DISTRICT JUDGE